

APPEAL GRANTED INSURANCE MEN

Officials of Underwriters' Association Will Be Heard in Supreme Court.

DENOUNCED BY PREACHER

Rev. E. T. Wellford Said to Have Made Impassioned Speech Favoring War.

Granting a writ of error yesterday from the decision of the Corporation Court of Newport News, which was intended to break up the "Insurance Trust," the Supreme Court of Appeals has indicated its willingness to open the case on appeal and consider it on its merits. The record is probably the largest ever received by Clerk H. Stewart Jones, and may make 2,000 printed pages. It contains several volumes of stenographic testimony and much printed matter which is to be reproduced.

At the time of the trial of this case several months ago, it attracted a great deal of attention throughout the State. The interest began with the swearing out of warrants against prominent members of the Southeastern Underwriters' Association, and their arrest at Hot Springs, Va., while in a meeting, on the charge of criminal conspiracy. When the case came to trial, some of the defendants were not convicted, and the court later set aside the verdict as to some of the others. The remainder, who are the petitioners in the Supreme Court, were fined \$100 and costs each. They were Archie H. Harris, E. B. Dewey, L. R. Warren, B. A. Hamlin, E. H. Jones and W. R. Robins. Mr. Harris, the secretary of the Virginia Association of Underwriters, is now secretary of the Virginia State Insurance Company.

Purpose of Association. The petition sets forth that the Southeastern Underwriters' Association is an association of fire insurance companies organized for the purpose of lessening the fire hazard, and, therefore, as a necessary result, of ultimately decreasing the premium rates. In this State its affairs are administered by what is known as the "Virginia committee."

The City Council of Newport News passed an ordinance early last year fixing the license fee to the city to be paid by fire insurance companies at \$25 for each concern, and in addition 5 per cent. of its premiums collected in Newport News. Thereupon the underwriters made a flat increase in the rate of premiums of 10 per cent., saying that this covered the increased taxation imposed upon the companies.

At once indignation meetings were held, the Chamber of Commerce and other bodies taking the fight up and appropriating money to aid in the prosecution of the officials of the underwriters. The warrants were sworn out and served at Hot Springs. In Police Court the men were fined \$500 each, and on appeal the fine was made \$100 each by the Corporation Court.

Goes Back for Centuries. In discussion of the many points involved, the petition for a writ of error discusses some very ancient law. It is set forth that Queen Anne in 1602 granted an exclusive right to manufacture playing cards, and that this was decided by the courts to be illegal. A statute of Edward VI. made in 1552, is referred to, as is also a celebrated case in 1611. The claim is that no Virginia statute has been violated, and that the prosecution can rest only on the old English common law, which is the common law of Virginia.

Inasmuch as the common law refers to a monopoly in articles of prime necessity, this question is argued at length. The petition sets forth that an insurance policy is not an article at all—that while religion, education, exercise and labor are necessities, they are not "articles of prime necessity." To suppose that the insurance companies' agreement is a monopoly, when any concern with as little as \$25,000 capital can start in business in Virginia, is to argue, according to the petition, that the cap-

ital of the world is exhausted or that it does not seek profitable fields for investment. The companies say they have no legal duty and no contractual obligation to furnish insurance to Newport News at any price, therefore they can fix their own price.

Denounced by Minister. Further, it is contended that there should have been a change of venue, because of the feeling aroused in Newport News. It is stated that Rev. E. T. Wellford, pastor of the First Presbyterian Church, addressed a public indignation meeting, and in an "impassioned speech urged war against the trust, and declared that the time had come for rebellion," also the Daily Press is charged with having published daily articles bitterly attacking the defendants.

It is admitted that companies not members of the Underwriters' Association share in its rates, and this is explained by saying that it "allows non-board companies to ride without paying fare" rather than to cut rates by ruinous competition. Further, the Commonwealth's Attorney is referred to as having incited the feelings of the jury, which was drawn from Southampton county, by appealing to its prejudices against the fertilizer trust, and holding out to it the hope that if the insurance trust aside the verdict, it would have relief from other combinations. The jury is referred to as one of "farmers of the cotton and peanut belt."

Attorneys for the petitioning defendants are Alexander C. King, Randolph Harrison, O. D. Batchelor and J. Winston Read.

POWERS PORTRAIT PRESENTED.

Interesting Feature of Closing Exercises of Scottsville High School. (Special to The Times-Dispatch.) Scottsville, Va., May 26.—The closing exercises of Scottsville High School were held in the auditorium Thursday and Friday nights. Thursday night the junior class, assisted by the physical culture class, taught by Miss Lucie H. Powers, rendered an interesting program. The program Friday night consisted of an excellent address by Mr. Binford, presentation of the athletic and other awards by Professor W. D. Smith, vocal and instrumental music by the high school pupils, presentation of diplomas and certificates by Dr. J. P. Blair to the following pupils: Elizabeth Gibbs, Ethel Agee, Annie Baber, Martha Dillard, Mary Fox, Annie Jones, Lena and Mary Paulett, Ben Birsch, John and Lindsay Pitts and Lawrence Tapscott. A pleasing feature of the evening exercises was the presentation of a portrait of the late D. P. Powers to the school by the Educational League of the town. For nearly twenty-five years Mr. Powers was superintendent of public schools of Albemarle county. The portrait was unveiled by Miss Lucie Blair, a granddaughter of Mr. Powers. Division Superintendent Joseph W. Everett made the presentation speech. The portrait is the work of Miss Rose S. Farrar, of this place, and is an excellent likeness. Before and during the war Mr. Powers conducted a preparatory school for boys at Scottsville. Senator Thomas S. Martin and other distinguished men received their preparatory courses under the able teaching of Mr. Powers. The Scottsville High School is one of the largest in the county. The teachers for the past session were Professor W. D. Smith, Misses N. M. Hill, Ella W. Farrar, Mary Brown and Mrs. J. S. Davis.

IN RECEIVER'S HANDS.

Affairs of a Danville Grocery Company to Be Wound Up. (Special to The Times-Dispatch.) Danville, Va., May 26.—A decree has been entered in a chancery suit instituted by stockholders of the J. W. Frazier and Company, Inc., grocers, appointing a receiver for the company and authorizing him to dispose of the assets of the concern and wind up its affairs, thereby conserving the interests of the stockholders as far as practicable. The suit is a friendly one, designed to place the concern in process of liquidation. Bond in the sum of \$10,000 is required of the receiver, who will immediately take charge of the affairs of the company.

Contract for New City Hospital.

(Special to The Times-Dispatch.) Lynchburg, Va., May 26.—The Council Committee on Public Buildings and Institutions and Charities at noon today let the contract for the new city hospital to W. W. Womack, whose alternative bid of \$24,704.50 was accepted.

STATE EXAMINER TO ADJUST BOOKS

Will 'Take Hand in Tangle Caused by Suicide of Bank Cashier.

NEW CLUB TO BE ORGANIZED

Bust of Late Adjutant-General Leinster to Be Presented to State.

(Special to The Times-Dispatch.)

Raleigh, N. C., May 26.—State Bank Examiner J. K. Doughton has gone to Columbia to take a hand in the adjustment of the tangle in the affairs of the Merchants and Farmers' Bank, the cashier of which, R. M. Sprull, took his own life Tuesday, when a special auditor procured by the directors went into the bank to make an examination. It was only a few weeks ago that Examiner Doughton was there and went thoroughly into the books and papers and made demands upon the bank management for changes in the way of improvement of many securities and more up-to-date condition of the books. The Corporation Commission has had no further word from the bank since the announcement from the president that the cashier had committed suicide, and that a special auditor was adjusting the books. One of the most serious conditions that the bank examiner found is understood to have been unsecured notes with considerable amounts by parties whose signatures have no commercial rating.

There was a charter issued to-day for the Eagle Printing Company, Spray, N. C., capital, \$125,000 authorized, and \$10,000 subscribed, by A. C. Phelps, G. P. Wall and others. Another charter was for the Panacea Springs Company, of Littleton, capital, \$125,000, by M. C. Braswell and others.

Wins Gold Medal.

Cary J. Hunter, Jr., has won the gold medal for Raleigh High School students as the best debater, given by Charles U. Harris, of this city. The debate was held last night, the query being: "Resolved, That the Open Shop is Beneficial to the Working Man." The judges were Rev. V. W. McWhite, Dr. Henry Jerome Stockard and Dr. Thos. P. Harrison. The medal was presented this morning in connection with the graduating exercises for the school. There are twenty-one graduates.

The business men of Raleigh in mass-meeting last night determined to proceed with the formation of a new commercial club, to take the place of the Chamber of Commerce, the membership of which had dwindled to the point that reorganization and infusion of new life was necessary. Mayor Johnson presided, and 125 men present gave their names for charter membership in the club. A committee was named to make a canvass for charter members, and a resolution adopted that charter membership must reach 500 before organization. The adjournment was subject to the call of Mayor Johnson. Dues are to be from \$5 to \$100 annually. Organization is expected to be perfected by June 1.

Skyscraper for Raleigh.

Preparations are on foot for the erection of a splendid ten-story bank building by Citizens' National Bank on the site of its present building and additional ground recently purchased. The building is to be thirty-five feet by eighty feet, and is to be practically fireproof. The bank has leased a temporary banking house on Fayetteville Street.

Colonel J. Bryan Grimes, as chairman of the North Carolina Historical Commission, and Adjutant-General R. L. Leinster, announce the decision to make the memorial to the lamented J. F. Armfield, adjutant-general of the North Carolina National Guard, a marble bust of this gallant officer. The members of the North Carolina Guard Association were canvassed as to their preference, and the bust was the almost unanimous choice. This will be the first bust of the kind provided for the Hall of History, which is to very greatly extend its scope and improve its arrangement as soon as its new quarters are available, in the proposed fire-proof State administration building.

We Spent \$100,000 In Perfecting Van Camp's Milk

If you think that all evaporated Milks are alike—because prices are similar and all are milk—it is worth while to read these facts.

Clean Methods

Keeping milk clean—that is, free from germs—is the greatest of all the problems. No ordinary dairy has solved it. Our evaporating plants are all built without wood. Every employe complies with hospital rules as to cleanliness and care.

The evaporating is done in a vacuum, so that slight heat is sufficient. Our milk comes from Holstein cows—the famous breed whose milk is advised for children. The cows themselves, and every surrounding, are subject to rigid inspection.

Our plants are all located in the best dairying districts, where the soil lies over gravel. To the soil and drainage is due the grass which makes these districts famous.

Getting Expert Help

A famous Swiss expert was first employed. He brought Van Camp's Milk so close to perfection that our annual sale jumped to tens of millions of cans.

But the final touch came from Holland. A Dutch expert created our present standard. There is not in America another milk that compares with it. There is not in the world an evaporated milk any better.

This milk would control the milk trade of this continent if we could make enough. Now it goes only to the comparative few who are lucky enough to know it.

The Result is This

We are bringing you milk from high-bred cows, fed and tended under ideal conditions. For convenience in shipping, we evaporate two-thirds of the water at a low heat. Nothing whatever is added.

The milk as it comes to you is as thick as thick cream. It has 8 per cent butter fat. If you reduce it with water to the richness of milkman's milk the cost will figure about six cents per quart.

You can buy, if you wish, a month's supply at a time. Then you have milk and cream as you want it.

The milk is pure and sterile. While every drop of raw milk contains myriads of germs, there is not one in Van Camp's.

Can you think of a reason for using milkman's milk when such milk as this is available?

Make just one milk dish with Van Camp's. Serve it one day on your table. You will then wish to buy Van Camp's by the case, and tell the milkman to stop coming.

But don't be induced to pay an equal price for milk of a lesser grade.

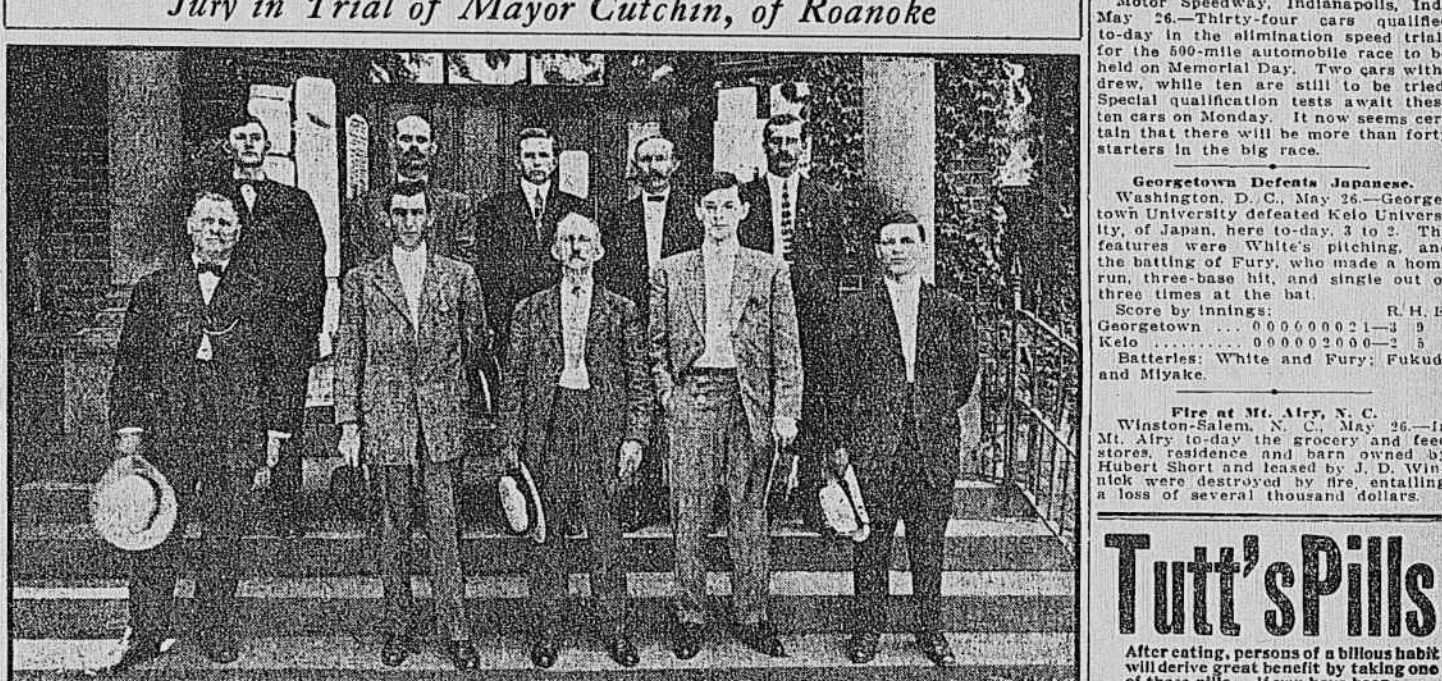
The 16-oz. can—a full pint of Van Camp's—sells for 10 cents. The 6-oz. can for 5 cents. The milk is evaporated at our dairies in six states. Order from your grocer.

Van Camp's Milk

Evaporated—Sterilized—Unsweetened

Van Camp Packing Co. Indianapolis, Ind.

Jury in Trial of Mayor Cutchin, of Roanoke



Reading from left to right: Top row—Deputy Sergeant Hull, H. F. Greenwood, W. W. Field, C. E. Jennings, W. H. Jenkins. Lower row—Sergeant T. R. Tillett, J. F. Patterson, Sam Dickerson, J. E. Pittman and Deputy Sergeant Peters.

CUTCHIN TRIAL IS NEARING END

It Is Expected That Opening Arguments Will Be Made To-Day.

(Special to The Times-Dispatch.) Roanoke, Va., May 26.—The trial of Mayor Joel H. Cutchin, for malfeasance and misfeasance in office, is nearing the end, and it is confidently expected that the arguments in the case will be opened to-morrow, since there are only two or three more witnesses to be heard in rebuttal. This afternoon Judge Mullen reversed his decision in the matter of admitting certain evidence in rebuttal, which was entirely new. He ruled all of this out. The evidence was given in at the morning session and was in a measure most damaging to the Mayor's case. One of the strongest points made by the prosecution was that after the Mayor had stated positively on cross-examination, that he had not been in certain houses since he has held office, but that he had been in the house of one of the witnesses in rebuttal, testified that he had seen him in the house of one of the witnesses. This was a portion of the evidence excluded under the ruling of the court this afternoon.

This morning the Mayor continued his cross-examination, and as soon as this was over the rebuttal was commenced.

It is generally the impression that every one is tiring of the trial, which has been long drawn out and marked by frequent objections from counsel on both sides. Judge Mullen, who is trying the case, is dealing with one with which no judge is familiar, for the proceedings are the first of the kind ever conducted in this State, and even now no one seems to know who will pay the jury, and witnesses are even at a greater loss to know where their attendance is coming from.

Now that the trial is nearing the end, speculation on the probable outcome of the case is widespread.

The consensus of opinion seems to be that there will be a hung jury. In event this is the case, it is extremely doubtful whether the case will be tried again, since the prosecution is being conducted by counsel paid by public subscription.

Should the jury find the Mayor

guilty the defense will unquestionably appeal, since it has already laid its plans for such procedure.

DRIVEN OUT BY POLICE. Straightouts Attend Meeting of Norfolk County Electoral Board. Norfolk, Va., May 26.—When the electoral board of Norfolk county met in Portsmouth to-day to name judges and clerks of election, a party of Straightouts Democrats opposing fusion insisted upon a public meeting. When the board decided to pursue the usual policy, and declined to admit the public, the Straightouts refused to leave. The police had to be called before they would do so. The board received a list of nominations from the Straightouts faction, and then proceeded to name the election officials who will serve in Norfolk county for the next year.

FEED YOU MONEY Feed Your Brain and It Will Feed You Money and Fame. "Ever since boyhood I have been especially fond of meats, and I am convinced I ate too rapidly, and failed to masticate my food properly. "The result was that I found myself, a few years ago, afflicted with ailments of the stomach and kidneys, which interfered seriously with my business. "At last I took the advice of friends and began to eat Grape-Nuts instead of the heavy meats, etc., that had constituted my former diet. "I found that I was at once benefited by the change; that I was soon relieved from the heartburn and indigestion that used to follow my meals; that the pains in my back from my kidney affection had ceased. "My nerves, which used to be unsteady, and my brain, which was slow and lethargic from a heavy diet of meats and greasy foods, had, not in a moment, but gradually, and none the less surely, been restored to normal efficiency. "Now every nerve is steady and my brain and thinking faculties are quicker and more acute than for years past. "After my old style breakfasts I used to suffer during the forenoon from a feeling of weakness which hindered me seriously in my work; but since I began to use Grape-Nuts food I can work till dinner time with all ease and comfort." Name given by Postum Co., Battle Creek, Mich. "Read the little book, 'The Road to Wellville,' in pkgs. 'There's a reason.' Ever read the above letter? A new one appears from time to time. They are genuine, true and full of human interest."

THE WEATHER Forecast: For Virginia—Unsettled Saturday; with local thunderstorms south portion; Sunday fair, warmer southern portion; light to moderate, variable winds. North Carolina—Unsettled Saturday, with local thunder showers; Sunday fair; moderate east winds. CONDITIONS YESTERDAY. Friday midnight temperature... 64. 8 A. M. temperature... 69.7. Humidity... 66. Wind, direction... N. E. Wind, velocity... 8. 12 noon temperature... P. cloudy. 3 P. M. temperature... 78. Maximum temperature up to 80. Minimum temperature up to 5. P. M. temperature... 62. Normal temperature... 72. Excess in temperature... 10. Deficiency in temperature since March... 122. Accum. excess in temperature since January 1... 27. Deficiency in rainfall since March... 3.53. Accum. deficiency in rainfall since January 1... 3.93. CONDITIONS IN IMPORTANT CITIES. (At 8 P. M. Eastern Standard Time.) Place. Ther. H. T. Weather. Asheville... 86. 90. Cloudy. Atlanta... 80. 86. Clear. Augusta... 80. 86. Clear. Atlanta... 80. 86. Clear. Boston... 80. 86. Clear. Buffalo... 80. 86. Clear. Charleston... 80. 86. Cloudy. Chicago... 80. 86. Clear. Cincinnati... 80. 86. Clear. Denver... 80. 86. Cloudy. Duluth... 80. 86. Cloudy. Houston... 80. 86. P. cloudy. Huron... 80. 86. P. cloudy. Jacksonville... 80. 86. Clear. Knoxville... 80. 86. Clear. Louisville... 80. 86. Clear. Memphis... 80. 86. Clear. Mobile... 80. 86. Clear. Montreal... 80. 86. Clear. New Orleans... 80. 86. P. cloudy. New York... 80. 86. Rain. Norfolk... 80. 86. Clear. Oklahoma City... 80. 86. Clear. Pittsburgh... 80. 86. Clear. Savannah... 80. 86. Rain. San Francisco... 80. 86. Clear. Spokane... 80. 86. P. cloudy. St. Paul... 80. 86. Clear. Tampa... 80. 86. Clear. Washington... 80. 86. P. cloudy. Wilmington... 80. 86. P. cloudy. Wytheville... 80. 86. P. cloudy. MINIATURE ALMANAC. May 27, 1917. Moon's T. D. 3:16. Sun sets... 7:51. Morning... 7:16. Sun rises... 7:20. Evening... 4:01.

The Literary Event of the Year

THE LONG ROLL

A Novel of the War Between the States
By MARY JOHNSTON
The Author of "To Have and to Hold," etc.

READY TODAY

Walt Whitman said many years ago: "A great literature will yet arise out of the era of those four years, those scenes—era-compressing centuries of native passion, first-class pictures, tempests of life and death—an inexhaustible mine for the histories, drama, romance and even philosophy of peoples to come."

"The Long Roll" is an important step in the fulfillment of this prophecy. The stage is of the largest—the whole South—though Virginia is the scene in which most of the action passes. The action is epic in its vastness and sweep. The human characters in the book play their part in a great national tragedy, of which their own affairs are but eddies in the stream.

As a picture of war—most absorbing and terrible of human subjects—the book in its vividness and gripping power, its largeness of action, can be compared only with such masterpieces as Victor Hugo's "Ninety-three" or the war novels of Tolstoy and Sienkiewicz. In the variety of appeal, ranging from grim realism to a fine idealism, the book need fear comparison with none of these. Stonewall Jackson, a chief character in the book, is delineated in one of the most masterly portraits in our literature.

The illustrations are a notable feature. Mr. N. C. Wyeth was especially commissioned by the publishers to paint a series of war pictures to illustrate the text. They are reproduced in full color, and are upon an artistic level that is rare in the illustration of books of fiction. Price \$1.40 net. Postpaid, \$1.55.

THE LONG ROLL

By MARY JOHNSTON

4 Park Street HOUGHTON MIFFLIN COMPANY Boston

Thirty-two Cars Quality. Motor Speedway, Indianapolis, Ind., May 26.—Thirty-four cars qualified to-day in the elimination speed trials for the 500-mile automobile race to be held on Memorial Day. Two cars withdrew, while ten are still to be tried. Special qualification tests await these ten cars on Monday. It now seems certain that there will be more than forty starters in the big race.

Georgetown Defeats Japanese. Washington, D. C., May 26.—Georgetown University defeated Kelo University, of Japan, here to-day, 3 to 2. The features were White's pitching, and the batting of Furry, who made a home run, three-base hit, and single out of three times at the bat.

Score by Innings: R. H. E. Georgetown... 0 0 0 6 0 0 2 1—3 9 2 Kelo... 0 0 0 0 2 0 0 0—1 4 1 Batteries: White and Furry; Fukuda and Miyake.

Fire at Mt. Airy, N. C. Winston-Salem, N. C., May 26.—In Mt. Airy to-day, the grocery and feed stores, residence and barn owned by Hubert Short and leased by J. D. Winnick were destroyed by fire, entailing a loss of several thousand dollars.

Tutt's Pills

After eating, persons of a bilious habit will derive great benefit by taking one of these pills. If you have been DRINKING TOO MUCH, they will promptly relieve the nausea, SICK HEADACHE and nervousness which follows, restore the appetite and remove gloomy feelings. Elegantly sugar coated. Take No Substitute.

Sanitary

Let us talk with you before Plumbing your house. The best of Bath Tubs, toilet devices in Closets, Lavatories and every conceivable Sanitary Plumbing fixture is in our stock.

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FOR Spring Cleaning. Disinfectants and Preservatives. A full line at lowest prices.

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Operates a Band Saw Mill and four Dry Kilns. Capacity 60,000 feet a day.